Ontario

College
Relations
Commission

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To: The Members of the Legislative Assembly
Province of Ontario

ANNUAL REPORT
1982-1983

Dear Members:

We have the honour to present the Eighth Annual Report of the College Relations Commission, covering the period from September 1, 1982 to August 31, 1983.

Sincerely

The College Relations Commission

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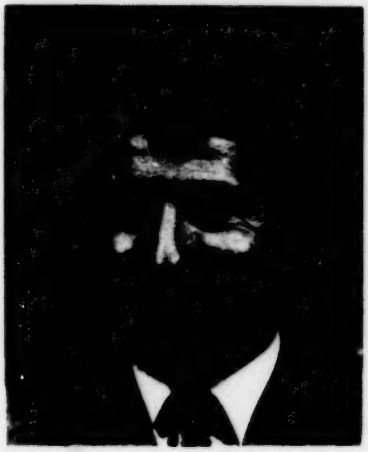
MEMBERS OF THE COMMISSION



Chariman –
BRYAN M. DOWNIE, B.A. (Concordia, Minnesota), M.B.A. (University of Chicago), Ph.D. (University of Chicago).

Dr. Downie, (Professor, Industrial Relations and Public Policy, Queen's University) has served as a fact finder, mediator, and interest arbitrator. He has published extensively in the area of labour relations and his book, ***Collective Bargaining and Conflict Resolution in Education*** examines the activities and policies of the Education Relations Commission during the formative years. He is Canadian Director and a Board member of the Society of Professionals in Dispute Resolution, an association of third party neutrals based in Washington, D.C. and is currently President-Elect of the Canadian Industrial Relations Association and a member of the Board of Directors of Social Science Federation of Canada.

Vice-Chairman –
IAN R. LINTON, Q.C., B.A. (University of Toronto), LL.B. (Osgoode Hall).

Mr. Linton is a member of a Tillsonburg law firm. He served fourteen years as a school trustee and is a past Chairman of the Oxford County Board of Education. Active in community affairs, he has been President of the Tillsonburg Chamber of Commerce, and was for six years a member of the Tillsonburg town council. He has been Vice-Chairman since 1975.

Commissioner –
HARVEY M. NIGHTINGALE, B.A. (University of Western Ontario), M. Ed. (University of Toronto), M.A. (York University).

Mr. Nightingale served as Director of Economic and Legislative Services for the Ontario Trustees Council

from 1973 to 1981. In this position he was responsible for both developing and articulating the trustees position on various educational issues, including collective bargaining – the School Boards and Teachers Collective Negotiations Act.

Mr. Nightingale is Executive Director of the Ontario Nursing Home Association.

Commissioner –
LOUISE D. BINDER, B.A. (University of Toronto), L.L.B. (Queen's University).

Miss Binder is Co-ordinator of Labour Relations with Gulf Canada Products Limited. Following graduation from law school she practised labour law for management with a Toronto law firm. Since 1977, she has been in private sector Employee Relations.

Miss Binder is also a member of the Ontario Public Service Labour Relations Tribunal.

Commissioner –
DONALD S. FELKER, B.A. (University of Ottawa), M.Ed. (University of Toronto), Ed.D. (University of Pennsylvania).

Dr. Felker, a self-employed educational consultant, has served as an appointee on both grievance and arbitration boards. He spent thirteen years in the Ontario Public School System as a Teacher, Vice-Principal and Principal and from 1968 to 1973, he served as General Secretary for the Ontario Secondary School Teachers' Federation. Dr. Felker is a Fellow of the Ontario Teachers' Federation and a Life Member of the Ontario Secondary School Teachers' Federation.

The College Relations Commission was established by Section 56 of The Colleges Collective Bargaining Act, 1975.

The Chief Executive Officer and Secretary of the Commission is R.H. Field. The Commission's offices are at 111 Avenue Road, Suite 400, Toronto, Ontario, Canada, M5R 3J8.

I INTRODUCTION

The mandate of the College Relations Commission – to maintain an awareness of and to facilitate collective negotiations between the Ontario Council of Regents for Colleges of Applied Arts and Technology, as employer, and the Ontario Public Service Employees Union. representing the Academic and Support Staffs – is contained in the Colleges Bargaining Act. Passed in 1975, this Act gives both the Academic Staff and Support Staff the right to strike and the Ontario Council of Regents for Colleges of Applied Arts and Technology the right to lock-out. These rights, however, are regulated. For example a strike or lock-out is not legal until:

a) A fact finder has met with the parties and his/her report has been made public; and

b) A 30-day cooling off period takes place after the fact finder's report is submitted to the parties; and

c) After the members of the employee organization have voted – by secret ballot in a supervised vote – on the last offer of the Council of Regents; and

d) After the members of the employee organization have voted – by secret ballot in a supervised vote – to take strike action.

At anytime during the process, the parties may choose voluntary binding arbitration, or final offer selection as an alternate means of dispute resolution.

The Commission maintains its awareness of the negotiation process from the filing of an intent to negotiate by the parties, to the signing of a collective agreement. Particular attention is paid to the timing and appropriateness of appointments of fact finders, and mediators.

The conduct of votes – last offer, strike, or ratification – has assumed major importance for the Commission. This is due not only to the number of votes which have been supervised, but also to the number of members of the employee organizations, and the number of campuses involved.

Collective bargaining prospers in a climate where there is a clear communication, mutual trust, and a growing awareness by the parties regarding the ongoing nature of the process. There has been an increasing effort to develop communications and other built-in procedures that are the essence of good staff relations. While the Commission is required to assist the parties, neither the legislation nor the Commission can be expected to be a panacea for all ills. The Commission is happy to report that there were no strikes or lock-outs, during the reporting period.

II STAFF AND FACILITIES

The Commission shares staff and facilities with the Education Relations Commission and has participated with the Education Relations Commission in the training of fact finders, mediators, arbitrators and selectors. Therefore, for a more complete picture of this year's activities, reference should be made to the Eighth Annual Report of the Education Relations Commission.

During the reporting year, two training sessions were held for third party neutrals. As in other years, one session was held for fact finders and one for mediators. The Commission continued to recruit new individuals with high qualifications and from a variety of backgrounds: fifteen were academics whose training is in industrial relations, twenty were lawyers specializing in labour law, and five were former school trustees or administrators.

III NEGOTIATIONS AND APPOINTMENTS

Negotiations between the Ontario Public Service Union, representing the Academic Staff, and the College of Regents and the Ontario Public Service Union representing the Support Staff and the College of Regents continued to exhibit the maturity and planning that was characteristic of their bargaining relationships in the previous year. As a result negotiations in both panels had advanced well into the process at the beginning of the reporting period.

The bargaining climate, however, was dramatically changed when An Act respecting the Restraint of Compensation in the Public Sector of Ontario and the Monitoring of Inflationary Conditions in the Economy of the Province was given first reading in the legislature on September 21, 1982. Third reading did not occur until December 15 (although by Section 36 this Act is deemed to have been passed on September 21). As a result of this waiting period, the uncertainty surrounding the final draft of the Act and its implications for the parties, there was no bargaining in the colleges sector for approximately three months.

This legislation, commonly referred to as Bill 179 or the Inflation Restraint Act, limited compensation increases in the public sector to "up to 9 percent" in the first year of the program (the "transitional" year) and to 5 percent in the second year (the "control" year). The legislation removed the right to strike or lock-out and also provided for the formation of the Inflation Restraint Board (IRB) to administer the Act, set its internal policies and procedures and to monitor wage and price controls in the public sector.

The significant sections of the Act are as follows:

Section 13: which extends the terms and conditions of the collective agreement;

Section 14: which allows the parties to a collective agreement to apply to the IRB with respect to certain disputed matters;

Section 15: which states that parties to a collective agreement which includes a compensation plan that is extended under Section 11 may, by agreement, amend the terms and conditions . . . other than compensation rates . . .

In the spring, the Ontario Public Service Employees Union applied for a judicial review of the Inflation Restraint Act. This application was joined with two others. One involved a decision by the Ontario Labour Relations Board and the Broadway Manor Nursing Home. The other involved the Ontario Secondary School Teachers' Federation District 17 and the Education Relations Commission. For more information on the latter application see the Eighth Annual Report of the Education Relations Commission.

1. Support Staff

Negotiations between the Ontario Public Service Union representing the Support Staff and the College of Regents to make a new collective agreement were well advanced as of September 1, 1982. A fact finder appointed by the Commission submitted his fact finding report to the parties on September 7.

The same day the Union filed with the Commission a request for a vote on the last offer of the Council of Regents, to be held on September 23. This request was granted and in a vote which involved over 3,600 union members and was supervised by the Commission, the last offer of the Council of Regents was rejected. However, since the parties had not come to an agreement they were subject to the "transitional year" provisions of the Inflation Restraint Act.

Negotiations resumed, after passage of the Act, for a three-day period in January when the parties met with the assistance of a mediator who had been appointed and met with the parties just prior to the reporting period. More meetings followed over the next four months and in June 23, 1983 the parties signed a two-year agreement covering the 1982-84 period.

2. Academic Staff

On September 1, 1982, the Ontario Public Service Employees Union, representing the Academic Staff filed a request with the Commission to supervise a vote on the last offer of the Council of Regents. The request was granted and all organizational steps necessary were taken to set up this vote, as requested for September 21. When it was announced that the Inflation Restraint Act would be introduced

in the legislature on that day, the Union requested the voting date be changed to September 22. This request was granted, although not without a strong protest by the representatives of the Council of Regents.

In a vote, supervised by the Commission, involving 5,000 union members, the last offer of the Council of Regents was rejected.

Following third reading of the Act, the parties continued to meet and on February 25, 1983 signed a memorandum of agreement covering the 1982-84 period.

3. Votes

Section 89 of the Colleges Collective Bargaining Act states:

> Where an employee organization conducts a vote of employees,
>
> a) for the purposes of subsection 1 of section 60; or
>
> b) to give approval to the terms of an agreement,
>
> the vote shall be a vote by secret ballot conducted under the supervision of and in the manner determined by the Commission.

During the reporting period the Commission did not receive a request to supervise a ratification vote.

4. Visits

Fourteen Community Colleges were visited by staff members of the Commission during the reporting year. The purpose of these visits is to meet with the administration of each college and to make key officials aware of the Relationship By Objectives and Grievance Mediation Programs which the Commission makes available. More visits are planned for next year.

5. Meetings

The Chairman of the College Relations Commission and members of staff held two meetings with representatives of the Staff Relations Section of the Ministry of Colleges and Universities and negotiators with Public Service Employees Union representing both the Academic and Support Staff. The purpose of the meetings was to review the voting procedure in the colleges and attempt to identify and remove organizational obstacles which prevent the process from operating smoothly. With the co-operation of the parties many of the obstacles have been identified and further meetings are planned in the next reporting year to draft a procedure which will meet the needs of the parties and the Commission.